

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 2, 5-12, 15, 17-31, 33, and 34 are pending in the present application, Claims 1, 2, 6-8, 10, 12, 17-19, 21, 24, 30, and 33 having been amended. Support for amendments to the claims can be found in the disclosure as originally filed. Thus, no new matter is added.

In the outstanding Office Action, the title was objected to; Claims 1-2, 33, and 34 were rejected under 35 U.S.C. §103(a) as unpatentable over Rosenthal et al. (U.S. Pat. No 6,985,294, herein Rosenthal '294); and Claims 5-12, 15, and 17-31 were allowed.

Applicants thank the Examiner for the indication of allowable subject matter.

With respect to the objection to the title, a new title is presented. Thus, this ground of objection is overcome.

With respect to the rejection of Claim 1 as unpatentable over Rosenthal '294, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

a separating device configured to separate one line of light forming an optical image of an object, wherein the separating device includes a slit that separates the one line of the optical image of the object and an adjusting device that adjusts a position where the optical image of the object is incident upon the slit;

Rosenthal '294 does not disclose or suggest this feature of amended Claim 1.

According to page 5 of the Office Action, “the prior art fails to teach or reasonably suggest that the separating means includes a slit and an adjusting means, the adjusting means adjusting the position where the optical image of the object is incident upon the slit.”<sup>1</sup> Thus,

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<sup>1</sup> It is noted that an interpretation under 112, sixth paragraph, is only warranted where the claims recite “means for .” Thus, separating device of Claim 1 (and other claims) is not a means-plus-function element.

for at least the reasons already stated in the Office Action, amended Claim 1 should patentably distinguish over the cited art.

Claims 2 and 33 are amended in a manner analogous to that of Claim 1. Thus, Claims 2 and 33 (and any claims dependent thereon) patentably distinguish over the cited art for at least the above-noted reasons.

Consequently, in light of the above discussion the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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